

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FREDDY ANTHONY MENDOZA, et
al.,

Plaintiffs,

v.

RALPH DIAZ, et al.,

Defendants.

Case No. 1:20-cv-01393-KES-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT

(Docs. 89, 97)

Plaintiffs Freddy Anthony Mendoza and Salvador Salazar allege that defendants Ndoh and Rosemay failed to protect plaintiffs during a prison riot. Doc. 1. On March 1, 2024, defendants filed a motion for summary judgment, arguing that the undisputed facts showed that they were not deliberately indifferent to plaintiffs' safety under the Eighth Amendment and that they were immune from liability under the doctrine of qualified immunity. Doc. 89. Plaintiffs opposed the motion for summary judgment. Doc. 95.

On July 2, 2024, the assigned magistrate judge issued findings and recommendations to grant defendants' motion for summary judgment. Doc. 97. The magistrate judge found that there was no evidence that defendant Diaz knew plaintiffs faced a substantial risk of serious harm and recommended that summary judgment be granted to Diaz on that basis. *Id.* at 10-11. In addition, the magistrate judge found that summary judgment should be granted to both defendants because

1 they are entitled to qualified immunity. *Id.* at 18. Specifically, the magistrate judge reasoned that
2 at the time of the incident it was not clearly established that the measures taken at defendant
3 Ndoh's direction to protect plaintiffs, and which are not in dispute, amounted to deliberate
4 indifference to a substantial risk of harm to plaintiffs. *Id.* at 18. The findings and
5 recommendations were served on the parties and provided that any objections were to be filed
6 within 14 days. *Id.* No objections were filed.

7 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of
8 this case. Having carefully reviewed the file, the Court concludes the findings and
9 recommendations are supported by the record and by proper analysis.

10 Accordingly:

- 11 1. The findings and recommendations issued on July 2, 2024, Doc. 97, are adopted.
- 12 2. Defendants' motion for summary judgment (Doc. 89) is granted.
- 13 3. The Clerk of the Court is directed to close this case.

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16 IT IS SO ORDERED.

17 Dated: September 21, 2025


UNITED STATES DISTRICT JUDGE